

relates to a criminal civil rights case), and to one other officer or employee of the Department of Justice.

[See main edition for text of (e) and (f)]

(As amended Pub. L. 101-647, title XXXV, § 3582, Nov. 29, 1990, 104 Stat. 4929.)

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101-647, § 3582(1), inserted "(G)" after "subparagraph" in last sentence.

Subsec. (d)(3). Pub. L. 101-647, § 3582(2), inserted "the" before "Civil Rights Division".

CHAPTER 227—SENTENCES

SUBCHAPTER A—GENERAL PROVISIONS

§ 3551. Authorized sentences

(a) **IN GENERAL.**—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, including sections 13 and 1153 of this title, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-647, title XVI, § 1602, Nov. 29, 1990, 104 Stat. 4843.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647 inserted "including sections 13 and 1153 of this title," after "any Federal statute,".

EFFECTIVE DATE; SAVINGS PROVISION

[See main edition for text of section 235 of Pub. L. 98-473]

[Pub. L. 101-650, title III, § 316, Dec. 1, 1990, 104 Stat. 5115, provided that: "For the purposes of section 235(b) of Public Law 98-473 [set out above] as it relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to 'five years' or a 'five-year period' shall be deemed a reference to 'ten years' or a 'ten-year period', respectively."]

ACT REFERRED TO IN OTHER SECTIONS

The Sentencing Reform Act of 1984 is referred to in title 18 section 460ddd.

§ 3552. Presentence reports

[See main edition for text of (a) to (c)]

(d) **DISCLOSURE OF PRESENTENCE REPORTS.**—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant. The court shall provide a copy of the presentence report to the attorney for the Government to use in collecting an assessment, criminal fine, forfeiture or restitution imposed.

(As amended Pub. L. 101-647, title XXXVI, § 3625, Nov. 29, 1990, 104 Stat. 4965.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-647 inserted at end "The court shall provide a copy of the presentence report to the attorney for the Government to use in collecting an assessment, criminal fine, forfeiture or restitution imposed."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101-647, set out as an Effective Date note under section 3001 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER B—PROBATION

§ 3562. Imposition of a sentence of probation

[See main edition for text of (a)]

(b) **EFFECT OF FINALITY OF JUDGMENT.**—Notwithstanding the fact that a sentence of probation can subsequently be—

[See main edition for text of (1)]

(2) corrected pursuant to the provisions of rule 35 of the Federal Rules of Criminal Procedure and section 3742; or

[See main edition for text of (3)]

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

(As amended Pub. L. 101-647, title XXXV, § 3583, Nov. 29, 1990, 104 Stat. 4930.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(2), are set out in the Appendix to this title.

AMENDMENTS

1990—Subsec. (b)(2). Pub. L. 101-647 inserted "of the Federal Rules of Criminal Procedure" after "rule 35".

§ 3563. Conditions of probation

(a) **MANDATORY CONDITIONS.**—The court shall provide, as an explicit condition of a sentence of probation—

[See main edition for text of (1) to (3)]

If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

(b) **DISCRETIONARY CONDITIONS.**—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

[See main edition for text of (1) and (2)]

(3) make restitution to a victim of the offense under sections 3663 and 3664 (but not subject to the limitations of section 3663(a));

[See main edition for text of (4) to (21); (c) and (d)]

(As amended Pub. L. 101-647, title XXXV, § 3584, Nov. 29, 1990, 104 Stat. 4930.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647, § 3584(1), substituted “defendant” for “defendent” in last sentence.

Subsec. (b)(3). Pub. L. 101-647, § 3584(2), substituted “under sections 3663 and 3664” for “pursuant to the provisions of section 3663 and 3664” and “section 3663(a)” for “3663(a)”.

§ 3565. Revocation of probation

(a) **CONTINUATION OR REVOCATION.**—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

(1) continue him on probation, with or without extending the term or modifying or enlarging the conditions; or

[See main edition for text of (2)]

Notwithstanding any other provision of this section, if a defendant is found by the court to be in possession of a controlled substance, thereby violating the condition imposed by section 3583(a)(3), the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-647, title XXXV, § 3585, Nov. 29, 1990, 104 Stat. 4930.)

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-647 substituted “or modifying” for “of modifying”.

SUBCHAPTER C—FINES

- | | |
|---------------|---|
| Sec.
3572. | Imposition of a sentence of fine and related matters. |
| 3573. | Petition of the Government for modification or remission. |

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3586(1), Nov. 29, 1990, 104 Stat. 4930, which directed the insertion of “and related matters” after “fines” in item 3572, was executed by making the insertion after “fine” to reflect the probable intent of Congress.

Pub. L. 101-647, title XXXV, § 3586(2), Nov. 29, 1990, 104 Stat. 4930, substituted “remission” for “revision” in item 3573.

SUBCHAPTER C—FINES

§ 3571. Sentence of fine

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 19, 1031 of this title; title 42 section 2273.

§ 3572. Imposition of a sentence of fine and related matters

[See main edition for text of (a) and (b)]

(c) **EFFECT OF FINALITY OF JUDGMENT.**—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

(1) modified or remitted under section 3573;

(2) corrected under rule 35 of the Federal Rules of Criminal Procedure and section 3742; or

(3) appealed and modified under section 3742;

a judgment that includes such a sentence is a final judgment for all other purposes.

[See main edition for text of (d) to (i)]

(As amended Pub. L. 101-647, title XXXV, § 3587, Nov. 29, 1990, 104 Stat. 4930.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), are set out in the Appendix to this title.

AMENDMENTS

1990—Subsec. (c)(2). Pub. L. 101-647 inserted “of the Federal Rules of Criminal Procedure” after “rule 35”.

SUBCHAPTER D—IMPRISONMENT

§ 3582. Imposition of a sentence of imprisonment

[See main edition for text of (a)]

(b) **EFFECT OF FINALITY OF JUDGMENT.**—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

(1) modified pursuant to the provisions of subsection (c);

(2) corrected pursuant to the provisions of rule 35 of the Federal Rules of Criminal Procedure and section 3742; or

(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

[See main edition for text of (c) and (d)]

(As amended Pub. L. 101-647, title XXXV, § 3588, Nov. 29, 1990, 104 Stat. 4930.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(2), are set out in the Appendix to this title.

AMENDMENTS

1990—Subsec. (b)(2). Pub. L. 101-647 inserted “of the Federal Rules of Criminal Procedure” after “rule 35”.

§ 3583. Inclusion of a term of supervised release after imprisonment

[See main edition for text of (a) to (c)]

(d) **CONDITIONS OF SUPERVISED RELEASE.**—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision and that the defendant not possess illegal controlled substances. The court may order, as a further con-

dition of supervised release, to the extent that such condition—

[See main edition for text of (1)]

(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

[See main edition for text of (3)]

any condition set forth as a discretionary condition of probation in section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

(e) MODIFICATION OF CONDITIONS OR REVOCATION.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

[See main edition for text of (1)]

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the person to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision, if it finds by a preponderance of the evidence that the person violated a condition of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation and to the provisions of applicable policy statements issued by the Sentencing Commission, except that a person whose term is revoked under this paragraph may not be required to serve more than 3 years in prison if the offense for which the person was convicted was a Class B felony, or more than 2 years in prison if the offense was a Class C or D felony; or

(4) order the person to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

[See main edition for text of (f) and (g)]

(As amended Pub. L. 101-647, title XXXV, § 3589, Nov. 29, 1990, 104 Stat. 4930.)

AMENDMENTS

1990—Subsec. (d)(2), Pub. L. 101-647, § 3589(1), inserted a comma after “3553(a)(2)(B)”.

Subsec. (e)(2) to (5), Pub. L. 101-647, § 3589(2)(A)-(C), struck out “or” at end of par. (2), substituted “; or” for period at end of par. (3), and redesignated par. (5) as (4).

CHAPTER 229—POSTSENTENCE ADMINISTRATION

SUBCHAPTER A—PROBATION

Sec.
3607.

Special probation and expungement procedures for drug possessors.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3590, Nov. 29, 1990, 104 Stat. 4930, substituted “possessors” for “possession” in item 3607.

SUBCHAPTER B—FINES

§ 3611. Payment of a fine

A person who is sentenced to pay a fine or assessment shall pay the fine or assessment (including any interest or penalty), as specified by the Director of the Administrative Office of the United States Courts. Such Director may specify that such payment be made to the clerk of the court or in the manner provided for under section 604(a)(18) of title 28, United States Code.

(As amended Pub. L. 101-647, title XXXV, § 3591, Nov. 29, 1990, 104 Stat. 4931.)

AMENDMENTS

1990—Pub. L. 101-647 substituted “604(a)(18)” for “604(a)(17)”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 10601.

§ 3612. Collection of an unpaid fine

(a) NOTIFICATION OF RECEIPT AND RELATED MATTERS.—The clerk or the person designated under section 604(a)(18) of title 28 shall notify the Attorney General of each receipt of a payment with respect to which a certification is made under subsection (b), together with other appropriate information relating to such payment. The notification shall be provided—

[See main edition for text of (1) and (2)]

If the fifteenth day under paragraph (2) is a Saturday, Sunday, or legal public holiday, the clerk, or the person designated under section 604(a)(18) of title 28, shall provide notification not later than the next day that is not a Saturday, Sunday, or legal public holiday.

[See main edition for text of (b) to (i)]

(As amended Pub. L. 101-647, title XXXV, § 3592, Nov. 29, 1990, 104 Stat. 4931.)

AMENDMENTS

1990—Subsec. (a), Pub. L. 101-647 substituted “604(a)(18)” for “604(a)(17)” wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 10601.